Chairman Dingell at the Subcommittee on Health Hearing on "Discussion Draft of the 'Food and Drug Administration Globalization Act' Legislation: Food Provisions"

Statement of Congressman John D. Dingell, Chairman
Committee on Energy and Commerce

SUBCOMMITTEE ON HEALTH
HEARING ON â€œDISCUSSION DRAFT OF THE
â€˜FOOD AND DRUG ADMINISTRATION GLOBALIZATION ACTâ€™ LEGISLATION: FOOD PROVISIONSâ€•
April 24, 2008

Mr. Chairman, thank you for holding this very important hearing today. For more than a year, this Committee has been vigorously investigating whether the Food and Drug Administration (FDA) has the resources and authorities it needs to protect the public health. With the assistance of Reps. Stupak and Shimkus, we have held seven hearings to investigate reports of tainted foods, with causes ranging from intentional adulteration to poor manufacturing processes. What we have found, and what has been confirmed by FDAâ€™s own Science Board, is that the FDA lacks the resources and authority to adequately oversee the Nationâ€™s food supply in the 21st century.

Although the agency has been less than forthcoming about its funding needs, it is evident to almost everyone elseâ€” from the experts to our constituentsâ€”that the agency is starved for resources and cannot meet its basic responsibilities. The Discussion Draft that todayâ€™s hearing will focus on begins our efforts to seek legislative solutions to this public health crisis.

First, this Discussion Draft aims to increase the resources FDA needs to do its job. As the FDA Science Board found, as a result of years of chronic underfunding, â€œFDA does not have the capacity to ensure the safety of food for the nation.â€• The Science Board called the rate at which FDA inspects food facilities â€œappallingly lowâ€• and notes that FDA has been forced to cut food inspections by 78 percent over the past 35 years at precisely the time food importation has increased exponentially. FDA estimates that, at most, it inspects domestic food manufacturers once every 10 years. For foreign food facilities, at its current rate of inspection FDA would need more than 2,000 years to visit every plant. This system must change.

Second, because we canâ€™t just inspect our way out of this problem, the Draft also provides FDA with resources and authorities to prevent food safety problems before they occur. Building on legislation introduced by Subcommittee Chairman Pallone, we ask those who supply Americans their food to ensure the safety of their products. And when prevention fails, the FDA must have strong, flexible enforcement tools, including the authority to order a recall as Rep. DeGette and others have suggested. Many are reaping the benefits of globalization; we must also make sure that all parts of the food chain bear some responsibility as well.

Finally, the draft provides a range of incentives for good actors in the global system. Many companies with reputations to protect are on the cutting edge of food safety. In the absence of effective FDA oversight, they are using their purchasing power to urge improvements in safety from their suppliers. We must reward those who work to build preventative measures into their products. At the same time, we must ferret out bad actors who seek to game the regulatory system and pass off contaminated products as safe for consumption. As we have learned from tragic events caused by E. coli-contaminated spinach and the pet food spiked with melamine, lack of regulatory diligence can lead to deaths of people and pets.

Mr. Chairman, food, drug, device, and cosmetic safety are not partisan issues, and we will not make them so. I look forward to working with all of my colleagues on the Committee, especially our Ranking Member, Mr. Barton. As we have previously worked together on legislation important to the American people â€“ such as the Consumer Product Safety Modernization Act and the National Institutes of Health reauthorization â€“ I hope we can work together to craft good, sensible legislation that provides the necessary resources and authorities for the Food and Drug Administration to fulfill its critical mission.

Prepared by the Committee on Energy and Commerce
2125 Rayburn House Office Building, Washington, DC 20515